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April 11, 2019

VIA E-Filing (CM/ECF)

Honorable Gary L. Sharpe
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

Re: *Utica Mutual Insurance Company v. Clearwater Insurance Company*
Civil Case No.: 6:13-cv-01178-GLS-TWD (N.D.N.Y.)

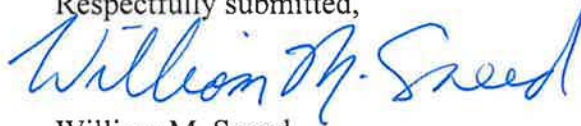
Dear Judge Sharpe:

I write to respectfully request that the Court grant Plaintiff Utica Mutual Insurance Company leave to file the attached four-page proposed surreply addressing the March 29, 2019 decision by Judge Sannes in *Utica Mut. Ins. Co. v. Munich Reinsurance Am., Inc.*, No. 6:12-cv-00196 (BKS/ATB) (the "Munich Decision"), which Defendant Clearwater Insurance Company discussed in its Reply Brief filed last week.

At the time Utica filed its Supplemental Memorandum in Opposition to Defendant's Motion for Partial Summary Judgment on March 21, 2019, the Munich Decision had not yet been issued. However, after the Munich Decision was issued on March 29, 2019, Clearwater discussed and relied on this decision in its Reply Brief filed on April 4, 2019. Accordingly, Utica respectfully requests that the Court grant Utica leave to file a brief surreply to address the Munich Decision as it concerns the above-captioned case. The proposed surreply (Ex. A hereto) is limited to the Munich Decision; it does not address any other aspect of the pending motion.

Should Your Honor require anything further in support of this request, please let us know. Thank you for your time and consideration in this matter

Respectfully submitted,



William M. Sneed

Enclosure

cc (Via CM/ECF):

John F. Finnegan
Allison Goodman Gold